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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

MAY 19 1987

REPLY TO THE ATTENTION OF

5HE-12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: Dead Creek-Area G
Sauget Site
Sauget, Illinois

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threatened release of hazardous pollutants and contaminants at the above referenced site, and is planning to spend public funds to investigate and control the release or threatened release at this site. Unless the U.S. EPA determines that a potentially responsible party will properly and promptly perform such action, the U.S. EPA will itself perform such action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601, et seq., (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986)(SARA).

The U.S. EPA has information that you may be a potentially responsible party. According to Section 107 of CERCLA, potentially responsible parties who may be liable include the current and former owners or operators of the site, and persons who generated the hazardous substance or were involved in the transport, treatment, or disposal of them at the site. Therefore, pursuant to Section 122(e) of SARA, the purpose of this letter is to notify you of your potential liability with respect to this site.

Under Section 107(a) of CERCLA, potentially responsible parties may be liable for costs incurred by the government, through the use of public funds, in responding to any release or threatened release from the site. Such costs can include, but are not limited to, expenditures for planning, investigation, studies, clean-up, and enforcement.

The U.S. EPA is seeking to obtain certain information from you pursuant to its authority under Section 104 of CERCLA, 42 U.S.C. §9604, and Section 3007 of the Resource Conservation and Recovery Act (RCRA) as amended, 42 U.S.C. §6927, for the purpose of enforcing CERCLA and RCRA and for the purposes of assisting in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of the U.S. EPA has the authority to require

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any person who generates, stores, treats, transports, disposes, arranges for the disposal of, or otherwise handles hazardous wastes and hazardous substances, as those terms are defined in Section 1004(5) of RCRA, 42 U.S.C. 6903(5) and Section 101(14) of CERCLA, 42 U.S.C. 9601(14), to furnish the U.S. EPA with information related to such activities. Pursuant to these statutory provisions, you are hereby requested to submit the information requested below.

1. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site. In addition, identify the following:
 - a. The persons with whom you or such other persons made such arrangements;
 - b. Every date on which such arrangements took place;
 - c. For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;
 - d. The owner of the waste materials or hazardous substances so accepted or transported;
 - e. The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
 - f. All tests, analyses, and analytical results concerning the waste materials;
 - g. The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
 - h. The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
 - i. Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;
 - j. Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
 - k. What was actually done to the waste materials or hazardous substances once they were brought to the Site;
 - l. The final disposition of each of the waste materials or hazardous substances involved in such transactions;

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- m. The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substances involved in each transaction;
 - n. The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;
 - o. The price paid for (i) transport or (ii) disposal or (iii) both, for each waste material and hazardous substances;
 - p. All documents containing information responsive to a.-p. above, or in lieu of identification of all relevant documents, provide copies of all such documents;
 - q. All persons with knowledge, information, or documents responsive to a.-p., above.
2. State the dates during which you owned, operated or leased the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease arrangement (e.g. deeds, leases, etc.). Also provide the following:
- a. Copies of any and all documents regarding the use and ownership of Dead Creek-Area G, Sauget Site including, but not limited to, deeds, contracts, leases, substances, purchase agreements, and correspondence.
 - b. A description of any arrangement made for the use of the site including, but not limited to, deeds, contracts, leases, substances, and purchase agreements. This description shall include the following:
 - a. Names of parties
 - b. Duration of parties
 - c. A general description of the terms of arrangement.
3. Provide information about the Site, including but not limited to the following:
- a. Property boundaries, including a written legal description;
 - b. Location of underground utilities (telephone, electrical sewer, water main, etc.)
 - c. Surface structures (e.g., buildings, tanks, etc.);
 - d. Ground water wells, including drilling logs;

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- e. Storm water drainage system, and sanitary sewer system, past and present, including septic tank(s), subsurface disposal field(s) and other underground structures; and where, when and how such systems are emptied.
 - f. Any and all additions, demolitions or changes of any kind on, under or about the Site, its physical structures or to the property itself (e.g., excavation work); and any planned additions, demolitions or other changes to the site; and
 - g. All maps and drawings of the Site in your possession.
- 4. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.
 - 5. Provide all reports, information or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well documents containing analysis or interpretation of such data.
 - 6. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrogeology or air quality on or about the Site? If so, identify:
 - a. What the nature and scope of these investigations will be;
 - b. The contractors or other persons that will undertake these investigations;
 - c. The purpose of the investigations;
 - d. The dates when such investigations will take place and be completed; and
 - e. Where on the Site such investigations will take place.
 - 7. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances or chemicals by you, your contractors, or by prior owners and/or operators.
 - 8. Did you ever use, purchase, generate, store, treat, dispose, transport or otherwise handle any hazardous substances or materials? If the answer to the preceding question is anything but an unqualified "no," identify:
 - a. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance;
 - b. Who supplied you with such hazardous substances;
 - c. How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;

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- d. When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
 - e. Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and
 - f. The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
9. Did you ever use, purchase, generate, treat, dispose, transport or otherwise handle waste materials or substances such as polychlorinated biphenyls (PCBs), pentachlorophenol (PCP), polynuclear aromatic hydrocarbons (PAHs), chlorobenzenes, xylenes, 4-4 DDE, chlorinated solvents and ketones? If the answer to the preceding question is anything but an unqualified "no," identify:
- a. The chemical composition, characteristics, physical state (e.g., solid, liquid) of the waste material, or substances;
 - b. Who supplied you with the waste materials or substances;
 - c. How these waste materials or substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - d. Where these waste materials or substances and petroleum products were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - e. When these waste materials or substances and petroleum products were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - f. The quantity of these waste materials or substances and petroleum products that were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
10. Were hazardous materials thrown, spilled, poured, leaked or in any way released into or onto the top soil, ground or floor on the Site? If the answer to the preceding question is anything besides an unqualified "no," identify:
- a. When such releases occurred;
 - b. How the release occurred;
 - c. What amount of waste materials or substances and petroleum products was so released;
 - d. Where such releases occurred;
 - e. Any and all activities undertaken in response to each such release or threatened release, and all agencies notified of such release or threatened release.

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- f. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing that was undertaken.
 - g. All persons with information relating to these releases.
11. Has soil ever been excavated or removed from the Site?
Unless the answer to the preceding question is anything besides an unequivocal "no," identify:
- a. Amount of soil excavated;
 - b. Location of excavation;
 - c. Manner and place of disposal and/or storage of excavated soil;
 - d. Dates of soil excavation;
 - e. Identity of persons who excavated or removed the soil;
 - f. Reason for soil excavation;
 - g. Whether the excavation or removed soil contained hazardous materials and why the soil contained such materials;
 - h. All analyses or tests and results of analyses of the soil that was removed from the site.
 - i. All persons, including contractors, with information about question 11, (a) through (h) of this Information Request.

Your response to this information request should be sent to:

Ms. Susan Swales SHE-12
U.S. EPA - Region V
Waste Management Division
CERCLA Enforcement Section
230 South Dearborn Street
Chicago, Illinois 60604

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The information sought pursuant to this request pertains to any and all information in your possession, custody or control relating to the operation of the above referenced site and to the transportation, storage, and/or disposal of hazardous substances or the generation of hazardous substances which were ultimately disposed of or offered for disposal at the Dead Creek-Area G Sauget Site.

The purpose of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, manifests, shipping orders, packing slips, bills of lading, invoices, bills and any other similar documents that evidence discrete transactions involving shipment, or the arrangement for shipment, of waste

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materials to, through, or from, the above referenced site. "Waste materials" shall mean hazardous substances, solid wastes and hazardous wastes, and other materials which may or may not contain pollutants or contaminants, and shall include reclaimed and off-specification materials of any kind.

The information sought herein must be sent to U.S. EPA within thirty (30) calendar days of your receipt of this letter. Under Section 3008 of RCRA, 42 U.S.C. §6928, failure to comply with this request may result in an order requiring compliance or in a civil action for appropriate relief. These provisions also provide for civil penalties. Failure to comply with this request may also result in a civil enforcement action being brought against you by U.S. EPA under Section 104 of CERCLA, 42 U.S.C. §9604.

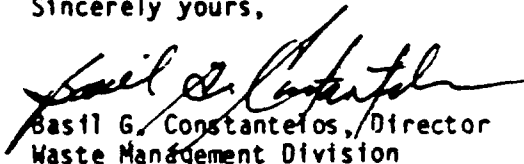
The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request, however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the U.S. EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to Region V pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find at any time after the submittal of the requested information, that any portion of the submitted information is false or incomplete, the signatory should so notify the U.S. EPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. §1001.

If you need further information regarding this letter, you may contact Ms. Susan Swales at (312) 886-7336, or Mr. David Favero at (312) 886-4749. If you have any legal questions, contact Mr. Thomas Mintz at (312) 886-6600.

Due to the nature of the problem at this site and the attendant legal ramifications, the U.S. EPA strongly encourages you to submit a written response to the information request within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,


Basil G. Constantelos, Director
Waste Management Division

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